Chapter 117

SITE PLAN REVIEW

§ 117-1.	Consideration by Planning Board.	§ 117-6.	Procedure for final detailed site plan approval.
§ 117-2.	Sketch plan conference.		
§ 117-3.	Application for preliminary site plan approval.	§ 117-7.	Planning Board action on final detailed site plan.
§ 117-4.	Planning Board review of preliminary site plan.	§ 117-8.	Reimbursable costs.
		§ 117-9.	Performance guaranty.
§ 117-5.	Planning Board action on preliminary site plan.	§ 117-10.	Inspection of improvements.
		§ 117-11.	Integration of procedures.

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[HISTORY: Adopted by the Town Board of the Town of Elma 4-16-1986 by L.L. No. 6-1986. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Board — See Ch. 29.

Building construction — See Ch. 52.

Stormwater management — See Ch. 120.

Subdivision of land — See Ch. 123.

Zoning — See Ch. 144.

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§ 117-1. Consideration by Planning Board.

Prior to the issuance of either a building permit or use permit in any zoning district, except for a one- or two-family dwelling, related accessory uses or agricultural uses permitted by right under this chapter and the Town of Elma Zoning Ordinance,[1] the Building Inspector shall refer the permit applicant to the Planning Board for site plan consideration in accordance with § 274-a of the Town Law and the procedure and standards set forth in this chapter.

1. **Editor's Note: See Ch. 144, Zoning.**

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§ 117-2. Sketch plan conference.

A. A sketch plan conference between the Planning Board and the applicant shall be held to discuss the applicability of the site plan review and approval procedure to the intended development for which the building or use permit is sought. The Planning Board shall make its determination based upon review of the project's scope and the basic land use and site design concept, as shown by a sketch plan and accompanying statements provided by the applicant and describing at a reasonable level of detail what is proposed.

B. At the sketch plan conference, the Planning Board shall take one or four actions. It shall:

(1) Determine that the project is limited in scope, with compatible land use and site design characteristics, thus requiring no further review under this chapter.

(2) Approve the project if the data contained on the sketch plan, as submitted, justifies and supports such approval.

(3) Determine that the project does require full review under this chapter, based upon its scope and/or land use and site design characteristics, and advise the applicant of preliminary site plan requirements in accordance with § 117-3 of this chapter.

(4) Require additional sketch plan information prior to making a determination regarding the applicability of the site plan review and approval procedure.

C. The Planning Board's determination can be assisted if the applicant can include, as may be applicable, the data discussed below as part of the sketch plan discussion:

(1) An area map showing the parcel under consideration for site plan review and all properties, subdivisions, streets and easements within 200 feet of the boundaries thereof. Such area map shall be oriented to the nearest street or road intersection and, if the parcel adjoins a state highway, such area map shall additionally be related to state mile markers.

(2) A map of site topography at no more than five-foot contour intervals. If general site grades exceed 5% or portions of the site have susceptibility to erosion, flooding or ponding, a soils overlay and a topographic map showing contour intervals of not more than two feet of elevation should additionally be provided.

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§ 117-3. Application for preliminary site plan approval.

A. An application for preliminary site plan approval shall be made, in writing, to the Planning Board and shall be accompanied by information drawn from the following checklist, as determined necessary by the Planning Board at the sketch plan conference.

(1) Preliminary site plan checklist. The application shall contain:

(a) The title of the drawing, including the name and address of the applicant and the person responsible for the preparation of such drawing.

(b) North arrow, scale and date.

(c) The boundaries of the property plotted to scale.

(d) Existing watercourses.

(e) Soils data, minimally relating to the site the data provided within the Soil Inventory and Interpretive Study for the Town of Elma (May 1982).

(f) A grading and drainage plan, showing existing and proposed contours at an appropriate interval to be specified by the Planning Board.

(g) The location, proposed use and height of all buildings.

(h) The location, design and construction materials of all parking and truck loading areas, with access and egress drives thereto.

(i) Provision for pedestrian access.

(j) The location of outdoor storage, if any.

(k) The location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.

(l) A description of the method of sewage disposal and the location, design and construction materials of such facilities.

(m) A description of the method of securing public water and the location, design and construction materials of such facilities.

(n) The location of fire and other emergency zones, including the location of fire hydrants.

(o) The location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.

(p) The location, size and design and construction materials of all proposed signage.

(q) The location and proposed development of all buffer areas, including indication of existing vegetative cover.

(r) The location and design of outdoor lighting facilities.

(s) Designation of the amount of building area proposed for retail sales or similar commercial activity.

(t) A general landscaping plan and planting schedule.

(u) Other elements integral to the proposed development, as considered necessary by the Planning Board, including identification of any state or county permits required for the project's execution.

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(v) A stormwater pollution prevention plan (SWPPP), if required for the proposed development under Chapter 120 of this Code, together with the recommendation of the Stormwater Management Officer to approve, approve with modifications, or disapprove the SWPPP pursuant to § 120-4B of this Code. **[Added 4-15-2015 by L.L. No. 2-2015]**

B. Required fee. An application for preliminary site plan review and approval shall be accompanied by a fee, which shall be fixed from time to time by resolution of the Town Board.

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§ 117-4. Planning Board review of preliminary site plan.

Planning Board's review of a preliminary site plan shall include, as appropriate, but is not limited to, the following:

A. General considerations:

(1) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.

(2) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

(3) The location, arrangement, appearance and sufficiency of off-street parking and loading.

(4) The location, arrangement, size, design and general site compatibility of buildings, lighting and signage.

(5) The adequacy of water supply and sewage disposal facilities.

(6) The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-deterring buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.

(7) In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space for play areas and informal recreation.

(8) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.

(9) The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

(10) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

(11) If a stormwater pollution prevention plan (SWPPP) was submitted in accordance with § 117-3A(1)(v), compliance with the requirements of Chapter 120 of this Code. **[Added 4-15-2015 by L.L. No. 2-2015]**

B. Consultant review. The Planning Board may consult with the Town Building Inspector, Fire Commissioners, Environmental Commission, Superintendent of Highways, other local and county officials and its designated private consultants, in addition to representatives of federal and state agencies, including, but not limited to, the Soil Conservation Service, the State Department of Transportation and the State Department of Environmental Conservation.

C. Public hearing. The Planning Board may conduct a public hearing on the preliminary site plan. If a public hearing is considered desirable by a majority of the members of the Planning Board, such public hearing shall be conducted within 45 days of the receipt of the application for preliminary site plan approval and shall be advertised in a newspaper of general circulation in the Town at least five days before the public hearing.

D. Required referral. Prior to taking action on the preliminary site plan, the Planning Board shall refer the site plan, when applicable, to the Erie County Department of Environment and Planning for advisory review and a report in accordance with § 239 of the General Municipal Law.

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§ 117-5. Planning Board action on preliminary site plan.

A. Within 60 days of the receipt of an application, together with all data required or requested by the Planning Board for a preliminary site plan approval, the Planning Board shall act on it. If no decision is made within said sixty-day period, the preliminary site plan shall be considered approved. The Planning Board's action shall be in the form of a written statement to the applicant stating whether the preliminary site plan is approved, disapproved or approved with modifications.

B. The Planning Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan, of which conformance with said modifications shall be considered a condition of approval. If the preliminary site plan is disapproved, the Planning Board's statement will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

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§ 117-6. Procedure for final detailed site plan approval.

A. After receiving approval, with or without modifications, from the Planning Board on a preliminary site plan, the applicant shall submit a final detailed site plan to the Planning Board for approval. If more than six months has elapsed since the time of the Planning Board's action on the preliminary site plan and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review.

B. The final detailed site plan and accompanying information shall conform substantially to the approved preliminary site plan and accompanying information. They should incorporate any modifications that may have been recommended by the Planning Board in its preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission. **[Amended 4-15-2015 by L.L. No. 2-2015]**

C. The following additional information shall accompany an application for final detailed site plan approval:

   (1) A record of application for and approval status of all necessary permits from state and county officials.

   (2) An estimated project construction schedule.

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§ 117-7. Planning Board action on final detailed site plan. [Amended 4-15-2015 by L.L. No. 2-2015]

A. Within 45 days of acceptance of the application for final site plan approval, the Planning Board shall render a decision to the Building Inspector. If no decision is made within the forty-five-day period, the final site plan shall be considered approved.

B. If a stormwater pollution prevention plan (SWPPP) was submitted to the Town in accordance with the provisions of this chapter, the Planning Board shall not approve the site plan unless the site plan and SWPPP comply with the requirements of Chapter 120 of this Code.

C. Upon approval of the final site plan and payment by the applicant of all fees and reimbursable costs due to the Town, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward such copy to the Building Inspector. The Building Inspector may then issue the building permit if all other applicable requirements are met.

D. Upon disapproval of a final site plan, the Planning Board shall so inform the Building Inspector, and the Building Inspector shall deny a building permit to the applicant. The Planning Board shall also notify the applicant, in writing, of its decision and its reasons for disapproval.

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§ 117-8. Reimbursable costs.

Costs incurred by the Planning Board for consultation fees or other extraordinary expense in connection with the review of a proposed site plan shall be charged to the applicant, not to exceed $50 per acre or fraction thereof. Such reimbursable costs shall be in addition to the fee required in § 117-3B herein.

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§ 117-9. Performance guaranty.

No certificate of occupancy shall be issued until all improvements shown in the site plan are installed or a sufficient performance guaranty has been posted for improvements not yet completed. The sufficiency of such performance guaranty shall be determined by the Planning Board after consultation with the Building Inspector, other local officials or its designated consultants.

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§ 117-10. Inspection of improvements.

The Building Inspector shall be responsible for the overall inspection of site improvements, including coordination with other local officials and agencies, as appropriate.

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§ 117-11. Integration of procedures.

Whenever the particular circumstances of a proposed development require compliance with either another procedure in this chapter or the Town of Elma Zoning Ordinance requirements or the Town Land Subdivision Regulations,[2] the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this chapter with the procedural and submission requirements for such other compliance.

2. **Editor's Note: See Ch. 144, Zoning, and Ch. 123, Subdivision of Land.**

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